



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MEMORANDUM

Date: March 10, 2015

To: Robert Best, Chairman, & Members, Planning Board

From: Jillian M. Harris, AICP, Planning & Zoning Administrator

Subject: **Lynn M. Waller (applicant/owner)** – Review for acceptance and consideration of Final Approval of an application for a minor subdivision of one lot into two single-family residential lots located at 9 Lester Road in the R-1 (Residential) District. Tax Map 4B, Lot 014.

Background: The subject property is an approximately 6 acre parcel located at 9 Lester Road in the R-1 (Residential) District with an existing single family residence and detached barn. The property is currently serviced by private well and septic.

The applicant was granted a variance from the Zoning Board of Adjustment in December 2014 to allow the subdivision of the lot into 2 parcels, whereas the new lot "A" will have 151' of frontage when 250' is required per Section 3.02 of the Zoning Ordinance. The proposed lot complies with the remaining lot and yard regulations per Section 3.02 as follows:

Minimum lot size: 100,000 s.f.

Minimum lot depth: 300 ft.

Minimum building setbacks:

Front: 50 ft.

Side: 30 ft.

Rear: 60 ft.

The non-conformity of the existing house front setback complies with Section 3.07 of the Zoning Ordinance and is not changed by the proposed subdivision. All temporary buildings on the new lot line are to be removed.

Completeness: Staff recommends that the Board vote to accept the application, as it is substantially complete and contains sufficient information to invoke the Board's jurisdiction and to allow the Board to make an informed decision.

Waivers: None Requested. Staff recommends a sidewalk waiver per Section 4.06.1(r) of the Subdivision and Site Plan Regulations, or a determination under Section 4.07 that it is not necessary.

Recommendation: Should the Board determine that any waivers are required for the subdivision, Staff recommends that the Board vote with respect to any requested waivers utilizing the criteria from RSA 674:36:

- Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; or
- Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

The planning staff recommends that the Board grant conditional final approval to the application with the following precedent conditions to be fulfilled within 6 months and prior to plan signing, unless otherwise specified:

1. Final plans to be signed by the Applicant, Property Owner, and Planning Board Chair and Secretary;
2. Any waivers granted shall be listed with the section number and date of approval on the Final Plan;
3. Applicant shall obtain State subdivision approval from NHDES and provide a copy of the permit to the Community Development Department;
4. Applicant shall address the following comments from the Department of Public Works:
 - a. The existing fence should be relocated outside of the Town's Right of Way;
 - b. The existing timber landscape boxes should be removed from the Town's Right of Way;
 - c. Add a note requiring a right of way permit to be obtained from the Highway Division for the construction of the new driveway;
 - d. Add a note stating bounds to be installed in lawn areas should be minimum 1" above finish ground grade;
5. Address any forthcoming comments from the Fire Department;
6. Address any forthcoming comments from the Conservation Commission (as applicable);
7. Address planning staff technical comments. (Below)

Planning Staff Technical Comments

1. Applicant to add address to the title of the plan;
2. Add a note to the plan indicating which sheets are to be recorded at HCRD and that a full set is on file with the Community Development Department.

Ec: Lynn Waller, Applicant/Owner
Gregory Michael, Esq., Bernstein & Shur
Philip Tuomala, Land Surveyor
Carol Miner and Fred Kelly, Building Department
Kyle Fox, Deputy Director of Public Works/Town Engineer
John Manuele, Captain, Merrimack Fire Department

Cc: Planning Board File
Correspondence